

**REMARKS/ARGUMENTS**

The Office Action has been received and carefully considered. The Office Action rejects claims 10 and 11 under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter; rejects claims 1-12 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 7,139,999 to Bowman-Amuah (“Bowman”). Applicant respectfully traverses these rejections. Reconsideration of claims 1-12 is respectfully requested based on the following remarks.

**I. The Rejection Under 35 U.S.C. § 101 Is Moot**

The amendments to claims 10 and 11 render the rejections under 35 U.S.C. § 101 of claims 10 and 11 moot.

**II. Bowman Fails To Disclose Migrating A Legacy Enterprise**

Claim 1 recites “development of migration options in a legacy transaction enterprise” and “identifying potential components for the legacy enterprise.” The remaining independent claims contain similar limitations. Bowman fails to disclose these features.

Bowman is directed to a development architecture framework that manages information and supports a project being carried out by a development architecture framework. *See* Bowman, Abstract. That is, Bowman is directed an integrated development environment architecture that provides a development environment framework and associated guidelines that reduce the effort and costs involved with designing, implementing, and maintaining an integrated development environment. The development environment is a production environment for one or several system development projects as well as for maintenance efforts. *See* Bowman, column

9, lines 41-46. Furthermore, Bowman discloses that the purpose of the development environment is to support the tasks involved in the analysis, design, construction, and maintenance of business systems, as well as the associated management processes. *See* Bowman, column 9, lines 53-56. In sharp contrast, the present claims are directed to ***migrating the components*** of a ***legacy*** transactional enterprise themselves. Simply stated, Bowman is directed to ***developing*** components, whereas the present claims are directed to changing ***what*** components of a legacy transaction enterprise should be migrated. Accordingly, Bowman is completely unrelated to the present invention as claimed.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. *Celeritas Tech., Ltd., v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998). MPEP § 2131 reinforces this principle. Because Bowman fails to disclose “development of migration options in a legacy transaction enterprise” or “identifying potential components for the legacy enterprise,” Applicant respectfully requests that the rejection of the claims be withdrawn.

### **III. Bowman Fails To Disclose Developing Risk Factors For A Legacy Enterprise**

Claim 1 recites “developing risk factors for the components of the legacy enterprise.” The remaining independent claims contain similar limitations. Bowman fails to disclose these features.

Bowman is directed to a development architecture framework that supports a project being carried out by a development architecture framework, rather than developing migration

options. *See* Bowman, Abstract. Bowman discloses engagement factors to be considered for various tools of the development architecture framework. For example, Bowman discloses that the engagement factors affect the use of problem management tools. The problem management tools log error information, generate error reports, classify problems, and record information on the source of the error. *See* Bowman, column 72 line 44 to column 73, line 11. Thus, Bowman, at most, discloses factors to be considered when ***developing*** various tools of the development architecture framework. As such, Bowman is entirely unconcerned with developing migration options for a legacy enterprise, let alone developing risk factors for components of a legacy enterprise. Bowman has no need to consider risk factors for components of a legacy enterprise because Bowman develops the tools of the development architecture framework from scratch. Accordingly, Bowman fails to disclose or suggest “developing risk factors for the components of the legacy enterprise” as claimed.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. *Celeritas Tech., Ltd., v. Rockwell Int’l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998). MPEP § 2131 reinforces this principle. Because Bowman fails to disclose “developing risk factors for the components of the legacy enterprise,” Applicant respectfully requests that the rejections of the claims be withdrawn.

**IV. Bowman Fails To Disclose Identifying And Developing Risk Factors For Unmet Opportunities**

Claim 1 recites “identifying unmet opportunities” and “developing risk factors for the unmet opportunities.” The remaining independent claims contain similar limitations. Bowman fails to disclose these features.

Bowman fails to consider unmet opportunities at all, let alone risk factors for unmet opportunities. The Office Action fails to point to any disclosure in Bowman that meets these limitations. In particular, the Office’s citations of Bowman are entirely unclear which cited portions of Bowman disclose identifying and developing risk factors for unmet opportunities. That is, the Office has not specified which cited portion(s) of Bowman were relied on as disclosure of identifying and developing risk factors for unmet opportunities. Applicant respectfully requests, should the Office continue its rejection, that the Office point to the specific portion of Bowman that allegedly meets these limitations.

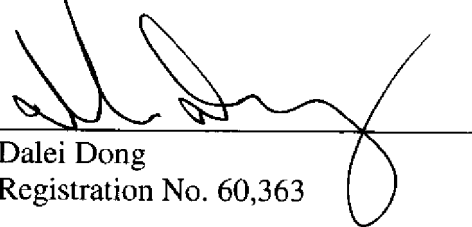
Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. *Celeritas Tech., Ltd., v. Rockwell Int’l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998). MPEP § 2131 reinforces this principle. Because Bowman fails to disclose “identifying unmet opportunities” and “developing risk factors for the unmet opportunities,” Applicant respectfully requests that the rejections of the claims be withdrawn.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Applicant believes that no fee is required for entry of the present Reply. Nevertheless, in the event that a variant exists between the amount tendered and that determined by the U.S. Patent and Trademark Office to enter this Reply or to maintain the present application pending, please charge or credit such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,  
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Dated: December 15, 2010

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By: